

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

ALICIA CHAPMAN,

Plaintiff,

v.

CASE NO. 06-10126
HON. LAWRENCE P. ZATKOFF

STATE OF MICHIGAN, MICHIGAN
DEPARTMENT OF HUMAN SERVICES,
a Subdivision of the State of Michigan,
GERALDINE SANDERS, an individual,
DEBORAH FRYE, an individual, AND
PORTIA GARLAND, an individual,

Defendants.

ORDER DISMISSING PLAINTIFF'S STATE LAW CLAIM

Plaintiff filed her Complaint on January 9, 2006. Plaintiff's Complaint contains the following three counts:

Count I Violation of 42 U.S.C. 1983;

Count II Violation of Title VII of the Civil Rights Act of 1964; and

Count III Violation of the Elliott-Larsen Civil Rights Act.

See Complaint.

The Court has subject matter jurisdiction over Counts I and II, because they arise under federal law. *See* 28 U.S.C. § 1331. Count III, however, is based upon state law. Although the Court has supplemental jurisdiction over state law claims pursuant to 28 U.S.C. § 1337(a), the Court may decline to exercise supplemental jurisdiction if there are "compelling reasons for declining jurisdiction." *See* 28 U.S.C. § 1337(c)(4). The Court declines to exercise supplemental jurisdiction over Plaintiff's state law claim in this matter. The Court finds that the contemporaneous

presentation of Plaintiff's parallel state claim for relief will result in the undue confusion of the jury.

See 28 U.S.C. § 1367(c)(4); *see also Padilla v. City of Saginaw*, 867 F. Supp. 1309, 1315 (E.D. Mich. 1994).

Accordingly, IT IS ORDERED that Plaintiff's state law claim of Violation of the Elliott-Larsen Civil Rights Act (Count III) is hereby DISMISSED without prejudice. The Court retains jurisdiction over Plaintiff's federal claims (Counts I and II).

IT IS SO ORDERED.

s/Lawrence P. Zatkoff

LAWRENCE P. ZATKOFF

UNITED STATES DISTRICT JUDGE

Dated: February 7, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on February 7, 2006.

s/Marie E. Verlinde

Case Manager

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